

In the  
Indiana Supreme Court

IN THE MATTER OF THE )

APPROVAL OF LOCAL RULES )

FOR DEKALB COUNTY )

Case No. 17S00-1107 -MS-398



ORDER APPROVING AMENDED LOCAL RULES

The judges of the DeKalb Circuit and Superior Courts request the approval of amended local rules for the appointment of special judges in accordance with Ind. Trial Rule 79 and Ind. Criminal Rule 2.2. Attached to this Order are the proposed amended local rules.

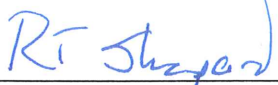
Upon examination of the proposed rule amendments requested by the DeKalb Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR17-TR79(H) and LR17-CR2.2-1 comply with the requirements of Ind. Trial Rule 79 and Ind. Criminal Rule 2.2, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that DeKalb County Local Rules, LR17-TR79(H) and LR17-CR2.2-1, set forth as an attachment to this Order, are approved effective July 1, 2011, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Monte L. Brown, DeKalb Superior Court, 100 South Main Street, Auburn, IN 46706-3251; the Hon. Kirk Carpenter, DeKalb Circuit Court, 100 South Main Street, Auburn, IN 46706-3251; the Hon. Kevin P. Wallace, DeKalb Superior Court 1, 100 South Main Street, Auburn, IN 46706-3251; to the Clerk of the DeKalb Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the DeKalb Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 1<sup>st</sup> day of July, 2011.

  
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Randall T. Shepard  
Chief Justice of Indiana

## **LR 17-TR 79 (H)-7 Appointment of Special Judges in Civil Proceedings**

In the event a special judge selected under Trial Rule 79, Sections (D) (E) or (F) does not accept the case or a judge disqualifies and recuses under Trial Rule 79(C), then the clerk of the court shall appoint on a rotating basis one of the other presiding judges from DeKalb County, and if that judge is unable to serve because of disqualification pursuant to the Code of Judicial Conduct, then the clerk shall appoint on a rotating basis a person from a list of judicial officers eligible under Trial Rule 79 (J).

If the judge selected to serve is disqualified or is excused from service, then clerk of the court shall appoint the next judge on the list. If no judge on the list is eligible to serve as special judge or the particular circumstances in the case so warrant, the then presiding judge in the case shall certify the matter to the Indiana Supreme Court for the appointment of a special judge pursuant to TR79(H)(3).

## **LR17-CR 2.2 -1 Criminal Case Reassignment and Special Judge Selection**

Pursuant to Ind. Criminal Rule 2.2(D) and Ind. Criminal Rule 13(C), in the event a change of judge is granted or a disqualification or recusal is entered, the case shall be reassigned as follows:

(1) Superior Court I: In the event a change of Judge is granted where it becomes necessary to assign another Judge in any felony or misdemeanor proceeding in the DeKalb Superior Court I, the case shall be reassigned to the DeKalb Superior Court II.

(2) Superior Court II: In the event a change of Judge is granted where it becomes necessary to assign another Judge in any felony or misdemeanor proceeding in the DeKalb Superior Court II, the case shall be reassigned to the DeKalb Superior Court I.

(3) Alternative: In the event a reassignment cannot be accomplished pursuant to the rules set forth above, then the case will be reassigned on a rotating basis from the following Judges: DeKalb Circuit Court Judge, and the Judges of those counties contiguous to DeKalb County, Indiana.

Pursuant to Ind. Criminal Rule 13(D), in the event no Judge is available for assignment or reassignment of a felony or misdemeanor case, such case shall be certified to the Indiana Supreme Court for the appointment of Special Judge. In the event the Judge presiding in a felony or misdemeanor case concludes that the unique circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a Special Judge, this presiding Judge may request the Indiana Supreme Court for such appointment.